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**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION**

NATIONAL URBAN LEAGUE, *et al.*,

Plaintiff,

v.

WILBUR L. ROSS, JR., *et al.*,

Defendants.

Case No. 5:20-cv-05799-LHK

**DECLARATION OF
JAMES T. CHRISTY**

1 I, James T. Christy, make the following Declaration pursuant to 28 U.S.C. § 1746, and state
2 that under penalty of perjury the following is true and correct to the best of my knowledge and
3 belief:

- 4 1. This is my fourth declaration in this lawsuit. I am making this declaration in response
5 to the Court's directive at the September 28, 2020 case management conference that
6 Defendants provide a declaration describing guidance that was sent by the Census
7 Bureau to the field in response to the Court's Temporary Restraining Order ("TRO")
8 and its Preliminary Injunction.
- 9 2. On Saturday evening, September 5, 2020, following the Court's entry of the TRO, I
10 sent notification to all field data collection managers working on the 2020 Census via
11 email that "...a federal district court for the Northern District of California issued a
12 temporary restraining order at 9:29 PM EDT on 9/5/2020 in the case of National Urban
13 League v. Ross, No. 20-05799." In this notice, I advised that "The Bureau and the
14 Department are also in the process of preparing additional guidance and will distribute
15 that guidance shortly." *See* ECF No. 86, Att. A.
- 16 3. On Monday morning, September 7, 2020 (12:02am Eastern), I sent the attached
17 document "Guidance for Field Managers related to Action Required following the 9/5
18 Court Order" ("Guidance") to the Associate Director for Field Operations, the 6
19 Regional Directors, the Chief of the Field Division and the Director of the National
20 Processing Center. I instructed them not to share the Guidance until we had a chance to
21 discuss it later that morning. *See* ECF No. 86, Att. B.
- 22 4. At 10:00am Eastern on Monday morning, September 7, 2020, I held a call with the
23 Regional Directors, the Chief of the Field Division and the Director of the National
24 Processing Center to discuss the Guidance. The Associate Director for Field
25 Operations also joined that call. I walked through the Guidance in detail, confirmed
26 with each person that they understood the guidance, and answered questions posed
27 about the Guidance. I advised them this information would be shared with their
28 operational management staff in a call at 11:00am Eastern the same day.

- 1 5. At 10:30am Eastern on Monday (9/7/2020), I held a call with the senior management
2 team at Field Headquarters to discuss the Guidance. This included the Chief of Field
3 Division, the Deputy Chief of Field Division, and the Assistant Division Chiefs in the
4 Field Division who oversee the implementation of field data collection activities. I
5 forwarded the Guidance for them to review in advance of this meeting.
6 I walked through the Guidance in detail, confirmed with each person that they
7 understood the guidance, and answered questions posed about the Guidance. I advised
8 them this information would be shared with their operational management staff in the
9 regions on a call at 11:00am Eastern the same day.
- 10 6. At 11:00am Eastern on Monday (9/7/2020), I joined a previously scheduled call with
11 all regional data collection managers to discuss the Guidance. The regional data
12 collection managers include the people in the regional census centers responsible for
13 oversight and management of the data collection activities in the Area Census Offices.
14 This includes the Regional Directors, the Deputy Regional Directors, the Assistant
15 Regional Census Managers and the Area Managers. The Guidance was attached to the
16 meeting invite and distributed via email before the call.
17 I walked through the Guidance in detail, confirmed with each person that they
18 understood the guidance, and answered questions posed about the Guidance.
- 19 7. Since delivering the Guidance, I have had numerous conversations about the Guidance
20 with managers at many levels in the regions and at Headquarters. This includes daily
21 meetings with Regional Directors, daily meetings with regional managers and with the
22 senior management team in Field Division. In these conversations, I have stressed the
23 importance of following the Guidance to ensure compliance with the Court's orders.
- 24 8. As outlined in the second declaration I submitted to the Court on September 16, 2020,
25 ECF No. 127-1, I sent the attached reminder email (Attachment 1) on Wednesday,
26 September 16 at 7:46am Eastern to the Regional Directors, instructing them to remind
27 field managers under their direction of their obligations under the Temporary
28 Restraining Order and the Guidance for Field Managers Relating to Action Required

1 Following the 9/5 Court Order. I attached the previously issued Guidance to the
2 reminder email for reference.

3 9. On Thursday, September 17, at 8:33pm Eastern, I sent notification to Regional
4 Directors and Senior Staff in the Field Directorate of the Court-ordered extension of the
5 Temporary Restraining Order. A copy of this email is attached as Attachment 2. Also
6 attached to the email was the Court's Order Extending TRO, ECF No. 142, and a copy
7 of the Guidance.

8 10. On Friday, September 18 at 10:30am Eastern, I participated in a conference call with all
9 regional data collection managers to explain the extension of the TRO and to emphasize
10 that the previous guidance remained in effect. I instructed the staff to ensure this
11 information was communicated to the Area Census Office managers. A copy of the
12 TRO Extension Order and the Guidance were attached to the agenda. *See* Attachment
13 3.

14 11. Following receipt of the Court's September 24, 2020, Preliminary Injunction, I joined a
15 conference call on Friday, September 25 at 10:30am Eastern with all regional data
16 collection managers to discuss the issuance of the order, to confirm that it stayed the
17 Replan's September 30 deadline for the completion of data collection, and to let staff
18 know they should continue working on the NRFU operation. A copy of the agenda for
19 this call is attached as Attachment 4.

20 12. Later on Friday, September 25 at 3:23pm Eastern, I sent an email to all managers
21 working on field operations at Headquarters and in the regions notifying them of our
22 obligation to comply with the Court's Preliminary Injunction. Attached as Attachment
23 5 is a copy of the email.

24 13. At 5:00pm Eastern on Friday, September 25, I briefed the Regional Directors and the
25 Chief of Field Division via a conference call on the Preliminary Injunction,
26 emphasizing the stay of the Replan's September 30 deadline and that I was awaiting
27 additional guidance. I directed the Regional Directors and the Chief of Field Division
28

1 to continue to complete Non Response Follow Up operations and said I would forward
2 information as soon as it was available.

3 14. On Monday, September 28, I instructed staff to send a text message to all Decennial
4 field staff (Enumerators and CFSs). This text message was sent at 12:56am Eastern on
5 September 29. Here is the content of that text message: "A federal district court issued
6 a preliminary injunction on 9/24. The Census Bureau is complying with the Court's
7 Order which moves the finishing date for NRFU operations after September 30. The
8 Secretary announced today that NRFU operations will finish on October 5. We will
9 post updated guidance on the content locker." The "content locker" is a viewable
10 folder where field staff can see documents from the government-provided device.

11 15. On Tuesday, September 29, I plan to post the Preliminary Injunction Order where
12 Decennial field staff (Enumerators and Census Field Supervisors) can access and read
13 the order on their government device. I also plan to provide information to field staff,
14 directing them to contact the Commerce Department Office of Inspector General if they
15 believe the Census Bureau is acting in violation of the Order, in an effort to help
16 address the Court's concerns.

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20 I have read the foregoing and it is all true and correct.

21 DATED this _29th_ day of September, 2020
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24 _____
James T. Christy

25 Assistant Director for Field Operations

26 United States Bureau of the Census
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